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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,153	03/26/2004	Fatih Ozluturk	I-2-0114.1US	8361
24374 7590 10/07/2008 VOLPE AND KOENIG, P.C. DEPT. ICC UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103				
EXAMINER				
SHAND, ROBERTA A				
ART UNIT		PAPER NUMBER		
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10/07/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/810,153

Applicant(s)

OZLUTURK, FATIH

Examiner

Roberta A. Shand

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 25-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 25-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lysejko (U.S. 5915216) in view of Miller (U.S. 5608722).
3. Regarding claim 25, Lysejko teaches (fig. 18) a communication method for use in a code division multiple access (CDMA) system, the system using a first pseudo-random code having a length of x chips and a second pseudo-random code having a length of y chips, y being greater than x, the method comprising: generating data for transmission from a user equipment (UE) on an uplink channel; spreading (286) the data, and transmitting the spread data from the UE on the uplink channel (col. 14, line 49 – col. 15, line 64).
4. Lysejko does not teach a portion of the second pseudo-random code is used to affect the spreading of the data and wherein the portion of the second pseudo-random code has a length based on the length of the first pseudo- random code;
5. Miller teaches (col. 10, lines 34–65) a portion of the second pseudo-random code is used to affect the spreading of the data and wherein the portion of the second pseudo-random code has a length based on the length of the first pseudo- random code. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lysejko to include Miller's spreading method to provide better signal strength and quality.

6. Regarding claim 26, Miller teaches (col. 10, lines 34-65) spreading a signal based on the first pseudo-random code, the signal carrying information.
7. Regarding claims 27, 34 and 36, Lysejko teaches (col. 5, lines 23-548) filtering the spread signal.
8. Regarding claim 28, Miller teaches (col. 4, lines 1-23) and col. 10, lines 34-65) the method is implemented with a CDMA subscriber unit, the method further comprising: spreading a signal based on the portion of the second pseudo-random code, the signal carrying information.
9. Regarding claims 29 and 31, Miller teaches (col. 10, lines 49-65) transmitting the signal to a base station.
10. Regarding claim 30, Lysejko teaches (fig. 18) a communication apparatus for use in a code division multiple access (CDMA) system, the communication apparatus comprising: an antenna; and a circuit operatively coupled to the antenna, the circuit being configured to generate a first pseudo-random code having a length equal to a first number of chips, and the circuit being configured to generate a portion of a second pseudo-random code, the second pseudo-random code having a length equal to a second number of chips, the first number of chips being less than the second number of chips, and the portion of the second pseudo-random code having a length equal to the first number of chips (col. 14, line 49 – col. 15, line 64).

11. Lysejko does not teach the antenna outputs a signal which has been spread based on the portion of the second pseudo-random code, and the signal carries information.

12. Miller teaches (col. 10, lines 34-65) the antenna outputs a signal which has been spread based on the portion of the second pseudo-random code, and the signal carries information. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lysejko to include Miller's spreading method to provide better signal strength and quality.

13. Regarding claim 32, Lysejko teaches (fig. 18) a code division multiple access (CDMA) subscriber unit, comprising: circuitry configured to generate a first pseudo-random code having a length equal to a first number of chips; circuitry configured to generate a portion of a second pseudo-random code, the second pseudo-random code having a length equal to a second number of chips, the first number of chips being less than the second number of chips (col. 14, line 49 – col. 15, line 64).

14. Lysejko does not teach a portion of the second pseudo-random code is used to affect the spreading of the data and wherein the portion of the second pseudo-random code has a length based on the length of the first pseudo-random code;

15. Miller teaches (col. 10, lines 34-65) a portion of the second pseudo-random code is used to affect the spreading of the data and wherein the portion of the second pseudo-random code has a length based on the length of the first pseudo-random code. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lysejko to include Miller's spreading method to provide better signal strength and quality.

16. Regarding claims 33 and 35, Lysejko teaches (fig. 18) a communication method for use in a CDMA system, comprising: combining a first pseudo-random code and a portion of a second pseudo-random code to generate an output code, the first pseudo-random code having a length equal to a first number of chips, the second pseudo-random code having a length equal to a second number of chips, the first number of chips being less than the second number of chips (col. 14, line 49 – col. 15, line 64) and the output code having a length equal to a third number of chips, the third number of chips being less than a product of the first number of chips and the second number of chips; and spreading a signal based on the output code, wherein the signal carries information (fig. 14).

17. Lysejko does not teach a portion of the second pseudo-random code is used to affect the spreading of the data and wherein the portion of the second pseudo-random code has a length based on the length of the first pseudo-random code;

18. Miller teaches (col. 10, lines 34-65) a portion of the second pseudo-random code is used to affect the spreading of the data and wherein the portion of the second pseudo-random code has a length based on the length of the first pseudo-random code. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lysejko to include Miller's spreading method to provide better signal strength and quality.

Response to Arguments

19. Applicant's arguments filed July, 8, 2008 have been fully considered but they are not persuasive. Applicant argues that Lysejko (U.S. 5915216) in view of Miller (U.S. 5608722) does

not teach new claim 25-36, giving no specific reasons. The above rejections addresses new claims 25-36. .

Conclusion

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

21. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta A. Shand whose telephone number is (571)272-3161. The examiner can normally be reached on M-F 9:00am-5:30pm.

23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

24. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Roberta A. Shand
/R. A. S./
Examiner, Art Unit 2616

/FIRMIN BACKER/
Supervisory Patent Examiner, Art Unit 2616